

REMARKS

Claim 14 is amended herein to correct an informality. Claim 22 is amended herein to indicate that the medium is a "nontransitory computer readable medium." No new matter is presented and acceptance and approval are requested.

Claims 12-22 are under consideration. Reconsideration is requested.

Item 6: Rejection of Claim 22 under 35 U.S.C. §101

In item 6 of the Office Action, the Examiner rejects claim 22 under 35 U.S.C. §101 asserting that the "computer readable medium" can be interpreted as transitory and thus directed to non-statutory subject matter. (See, Office Action at pages 2-3).

Claim 22 is amended herein to indicate that the medium is a "nontransitory computer readable medium."

Applicants submit that claim 22 complies with 35 U.S.C. §101. Thus, withdrawal of the rejection is requested.

Item 7: Objection to Claim 14

In item 7 of the Office Action, the Examiner objects to claim 14 because of an informality. Claim 14 is amended herein as the Examiner suggests and withdrawal of the objection is requested.

Traverse of Rejection of Claims 12-20 under 35 U.S.C. §103(a)

In item 9 of the Office Action, the Examiner rejects claims 12-20 under 35 U.S.C. §103(a) as being unpatentable over Cromer et al. (US20030156558) ("Cromer") in view of Raji (US2004/0219878A1) ("Raji"). (See, Action at pages 3-7). The rejection is traversed.

Independent claim 12 recites a method for "operating a radio communication system with a radio access point and a plurality of radio stations including a terminal radio station located outside of direct radio transmission range of the radio access point, the radio access point requiring path information about a path formed of at least one further radio station of the plurality of radio stations usable for message transfer between the radio access point and the terminal radio station, said method comprising: learning, at the terminal radio station, about a requirement for the path information that was initiated at the radio access point; and initiating at the terminal radio station a method for determining path between the terminal radio station and the radio access point to fulfill the requirement initiated by the radio access point." (Emphasis added). Independent claim 20 has a similar recitation.

According to an exemplary embodiment, learning occurs, for example, as the access point communicates a requirement for the path information to the base station. This base station can be part of, for example, a GSM or CDMA network. This base station may be located within the radio transmission range of the access point. This base station transmits a notification to the terminal radio station about the requirement for the path information. Due to the higher output power the base station covers the terminal radio station, but the terminal radio station having a low output power doesn't cover the base station.

The Action concedes that Cromer does not teach "learning, at the terminal radio station, about a requirement for the path information that was initiated at the radio access point; and initiating at the terminal radio station a method for determining path between the terminal radio station and the radio access point to fulfill the requirement initiated by the radio access point," as recited by independent claim 12, for example. (See, for example, Office Action at pages 3-4).

But, the Examiner asserts that Raji teaches:

[L]earning at the terminal radio station about a requirement for the path information that was initiated at the radio access point (paragraph 0060, i.e. responding by informing computing systems of possible paths), initiating at the terminal radio station a method for determining a path between the terminal radio station and the radio access point to fulfill the requirement initiated by the radio access point (paragraph 0060, i.e. informing proximate wireless system or source wireless device about possible paths that may Therefore, one skilled in the art would have found it obvious from the combined teachings of Cromer, which provides packet transfer between mobile unit outside AP range and Raji, which provides possible paths from terminal station to intermediate or source station, as a whole to produce the invention as claimed with a reasonable expectation of achieving a connection to mobile units outside a cell range and learning of new paths to the source node.

(Emphasis added, See, Office Action at page 4).

Applicants submit that the Examiner's assertions are in error.

Cromer merely teaches a two-step process of how a path is established from the remote mobile unit to the access point and how data is sent from the remote unit to the access point via the established path. Raji merely teaches a method similar to that taught by Cromer of finding a path for communication between a source wireless computing system and a remote computing system.

By contrast with claim 12, for example, Raji reaches in paragraph [0060]:

The remote wireless device may respond to each of these wireless communications, thereby informing the proximity computing system of a number of possible paths.

That is, Raji merely teaches that whenever a packet containing data or a request reaches the destination i.e. the remote wireless device this device acknowledges the receipt. This acknowledgement is relayed back to the sender i.e. the source or the proximate wireless device. Thus, the source or proximity computing device knows about this path. When via more than one path packets arrive at the remote wireless device the proximity computing system knows about a multitude of paths. This response or acknowledgement by the remote wireless device is part of the path finding mechanism. It is not a method to trigger a path finding mechanism.

By contrast with claim 12, for example, in Raji the broadcast process is the method to find the path from the proximity or the source wireless device to the remote wireless device being the destination. For example, in the last sentence of paragraph [0060] Raji teaches:

Instead of the proximity wireless computing system initiating the broadcast process, the source wireless device may have initiated the broadcast process.

Figure 2 illustrates that the source wireless computing device is the first device in the path and the proximity device any of the devices between the source and the remote computing device. The source computing device starts the path finding process, but by contrast with claim 12, for example, it does not transmit a request to one of the ends of the path, i.e. the source or the remote computing device to start the path finding process.

Applicant submits that one of ordinary skill in the art would not find that Raji's teaching of an informing systems of possible paths teaches a "learning" as recited by claim 12, for example, as the Examiner asserts. That is, an *arguendo* combination of the art of record does not teach requirement for the path information triggering of a search for a path.

Accordingly, even an *arguendo* combination of Cromer and Raji does not teach "learning . . . , about a requirement for the path information that was initiated at the radio access point; and initiating at the terminal radio station a method for determining path between the terminal radio station and the radio access point to fulfill the requirement initiated by the radio access point."

Thus, a finding of *prima facie* obviousness is in error and the rejection of independent claims 12 and 20 should be withdrawn.

* * *

Dependent claims 13 -19 inherit the patentable recitations of base claim 12, and therefore, patentably distinguish over an *arguendo* combination of Cromer and Raj for at least the reasons discussed above.

In addition, the dependent claims recited additional feature not disclosed by *arguendo* combination of Cromer and Raj .

For example, claim 13 recites that the "learning" includes the "learning by the terminal radio station about the requirement for the path information is a result of a notification by the base station."

As another example, claim 14 recites a "learning at the terminal radio station about the failure of the known path after the radio access point learns about the failure."

Neither Cromer nor Raj, alone or in combination does not teach such learning.

Thus, a finding of *prima facie* obviousness is in error and the rejection of dependent claims 13-19 should be withdrawn.

* *

Traverse of Rejection of Claims 21 and 22 under 35 U.S.C. §102(a)

In item 10 of the Office Action, the Examiner rejects claims 21-22 under 35 U.S.C. §102(a) as being anticipated by Cromer. (See, Office Action at page 7).

The rejection is traversed. Claim 21 recites, for example, means for initiating a method to determine a new path between said first radio station and the radio access point following reception of the failure information. Claim 22 has a similar recitation.

The Examiner asserts that Cromer's disclosure in paragraph 0077, Fig 5, i.e. method of switching to previously stored path, when no path stored, system starts to search for new path by building data structures until AP is in range, therefore options are given to determine or initiate a method to determine path if failure occurs teaches these features. (See, Office Action at page 7).

Applicants submit that the Examiner's interpretation is in error. Applicants submit that one of ordinary skill in the art understand that switching to a previously stored path when no path is stored does not teach determining a "new path ...following reception of the failure information," as recited by claim 21, for example.

Thus, all of the features recited by each of independent claims 21 and 22 are not taught by Cromer.

Conclusion

Thus, the rejection should be withdrawn and claims 21-22 allowed.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

June 21, 2010

By:

Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501